IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 11TH APRIL 2007 / 21ST CHAITHRA 1929

RP(FC).No. 175 of 2007()

MC.341/2006 of FAMILY COURT, MALAPPURAM
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REV.PETITIONER/RESPONDENT

THALAPPIL MOHAMMED, S/O.KUNHIMOIDEEN,
AGED 31 YEARS, CHETTIPPADI POST, NEDUVA AMSOM
DESOM, TIRURANGADI TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.A.C.SANKARA VARMA

RESPONDENTS: PETITIONERS
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1. METHIYIL SUBAIDA, D/O.ENTHEENKUTTY,
29 YEARS, KARINKAPPARA, OMACHAPUZHA AMSOM
DESOM, TIRUR TALUK, MALAPPURAM DIST.

2. MUHAMMED HAREES, S/O.MUHAMMED,
4 1/2 YEARS, (MINOR).

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS REV.PETITION(FAMILY COURT) HAVING COME UP FOR ADMISSION ON 11/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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R.P. (F.C) NO. 175 OF 2007

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Dated this the 11th day of April 2007

O R D E R

The revision petitioner is the counter petitioner in M.C. No. 341/2006 who has challenged the order of the court below striking off his defence and allowing the application and disposing of the M.C. I find that the order of the court below is per se illegal. The same is set aside. The court below is directed to permit the parties to adduce evidence and dispose of the case on merits.

The R.P(F.C) is allowed accordingly.

K.R. UDAYABHANU, JUDGE.

RV